

Rail Technical Society of Australasia (RTSA) (Victoria and Tasmania Chapter)



Introducing the Office of the National Rail Safety Regulator (ONRSR)

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Presentation overview

- ❑ Introduction to ONRSR
- ❑ Our approach to regulation
- ❑ Coverage of ONRSR operations
- ❑ Risk based regulation
- ❑ Next Steps



Transport Reform Agenda

Rail Reform Agenda (2009) sought:

- ☐ One National Regulator
- ☐ One National law
- ☐ One National Investigator

The Office of the National Rail Safety Regulator (ONRSR) went live on 20 January 2013, presenting opportunities and challenges.



Reform Agenda Intent

- ❑ COAG decision to create a National Rail Safety Regulator.
- ❑ To develop RSNL (South Australia) Act.
- ❑ All Jurisdictions to apply or mirror RSNL.
- ❑ ONRSR & Jurisdictions may agree to regulation via SLA.
- ❑ Initial funding arrangement for ONRSR.
- ❑ D & A program by ONRSR to be funded by Governments.
- ❑ Full industry cost recovery proposals to be developed 2016.

INTERGOVERNMENTAL AGREEMENT ON RAIL SAFETY REGULATION AND INVESTIGATION REFORM

Council of
Australian
Governments

An agreement between

- the Commonwealth of Australia and
- the States and Territories, being:
 - The State of New South Wales
 - The State of Victoria
 - The State of Queensland
 - The State of Western Australia
 - The State of South Australia
 - The State of Tasmania
 - The Australian Capital Territory
 - The Northern Territory of Australia

An agreement to establish a national system of rail safety regulation and investigation to include uniform regulation and a single national rail safety regulator, complemented by a national rail safety investigator.

ONRSR – Functions & Objectives

- ❑ Facilitate safe operations of rail transport.
- ❑ Exhibit independence, rigour and excellence in regulatory functions.
- ❑ Promote safety and safety improvement as a fundamental objective.
- ❑ Administer, audit and review accreditation regime.
- ❑ Work with rail transport operators and others to improve rail safety nationally.
- ❑ Conduct research, collect and publish information.
- ❑ Provide or facilitate the provision of advice, education and training.
- ❑ Monitor, investigate and enforce compliance with the RSNL.
- ❑ To engage in, promote and co-ordinate the sharing of information.

Version: 20.1.2013

South Australia

Rail Safety National Law (South Australia) Act 2012

An Act to make provision for a national system of rail safety; to repeal the Rail Safety Act 2007; to make related amendments to the Rail Commissioner Act 2009, the Railways (Operations and Access) Act 1997 and the Terrorism (Surface Transport Security) Act 2011; and for other purposes.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation

Part 2—Application of Rail Safety National Law

- 4 Application of Rail Safety National Law
- 5 Interpretation of certain expressions
- 6 No double jeopardy
- 7 Exclusion of legislation of this jurisdiction

Part 3—National regulations

- 8 National regulations

Part 4—Provisions relating to drug and alcohol testing

Division 1—Preliminary

- 9 Interpretation
- 10 Approval of couriers
- 11 Approval of apparatus for purposes of breath analysis etc

Division 2—Procedures relating to testing and analyses

- 12 Conduct of preliminary breath test or breath analysis
- 13 Conduct of drug screening tests, oral fluid analyses and blood tests
- 14 Breath analysis where drinking occurs after rail safety work is carried out
- 15 Oral fluid analysis or blood test where consumption of alcohol or drug occurs after rail safety work is carried out
- 16 Compulsory blood testing following a prescribed notifiable occurrence
- 17 Processes relating to blood samples
- 18 Processes relating to oral fluid samples

[18.1.2013] This version is not published under the Legislation Revision and Publication Act 2002 1

Approach to Regulation

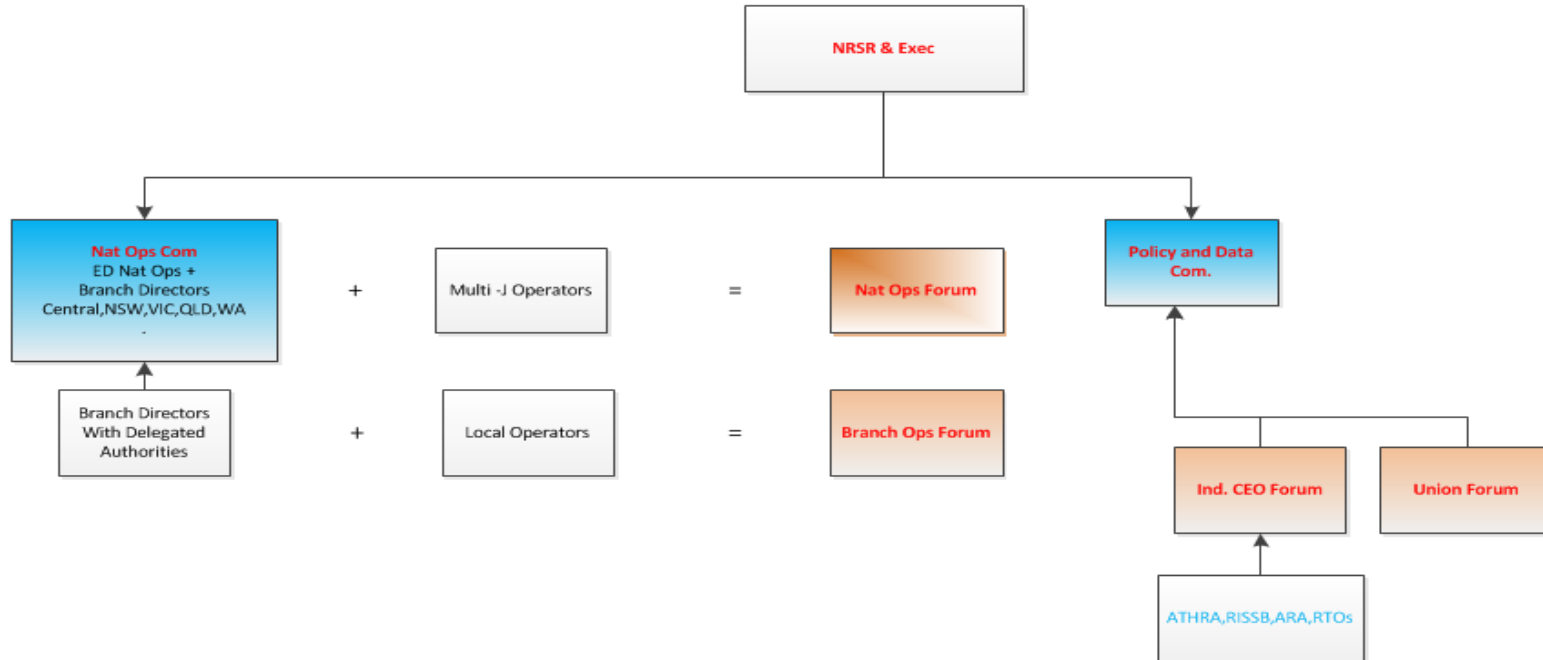
Our approach to working with Stakeholders is Co-Regulatory.

- ☐ Supporting operators to deliver on obligations and enforcing the Law where this has failed.
- ☐ Establishing National Stakeholder Forums
- ☐ Promoting industry leadership on:
 - National Standards – Supporting and endorsing agreed RISSB products - encouraging industry take-up
 - Risk Management through data acquisition and analysis
- ☐ Supporting industry innovation
- ☐ Reducing red-tape and providing freedom of dealing with one national regulator – One stop shop.
- ☐ Risk-based and proportionate compliance.
- ☐ Desire to build T&H support and expertise
- ☐ Robust, engaging, transparent, and honest.

Current State of Implementation

- ☐ RSNL and mirror law now passed in SA,NSW,NT, TAS & Vic
- ☐ RSNL enacted in SA,NSW,NT and TAS on 20 January 2013.
- ☐ Vic RSNL passed April 2013.
- ☐ Remaining States expected to pass law by early 2014.
- ☐ ITSR act as the NSW Branch of ONRSR under SLA.
- ☐ Central Branch covers SA,TAS and NT.
- ☐ Adelaide Head Office ~ 90% staffed.
- ☐ Ministers approval to Statement of Intent and Budget for 2013/14.
- ☐ Corporate Plan ready for publication.

Co-Regulatory Relationships



Corporate Plan 2013-2016

Goals

1. Maintain & Improve Rail Safety through risk based approach to regulation
2. Reduce regulatory burden on industry
3. Promote greater self regulation by industry
4. Prepare for and support entry of other states regulators into the ONRSR
5. Promote safety awareness & safety improvement initiatives and research
6. Develop & enable our people to optimise internal capability and organisational effectiveness

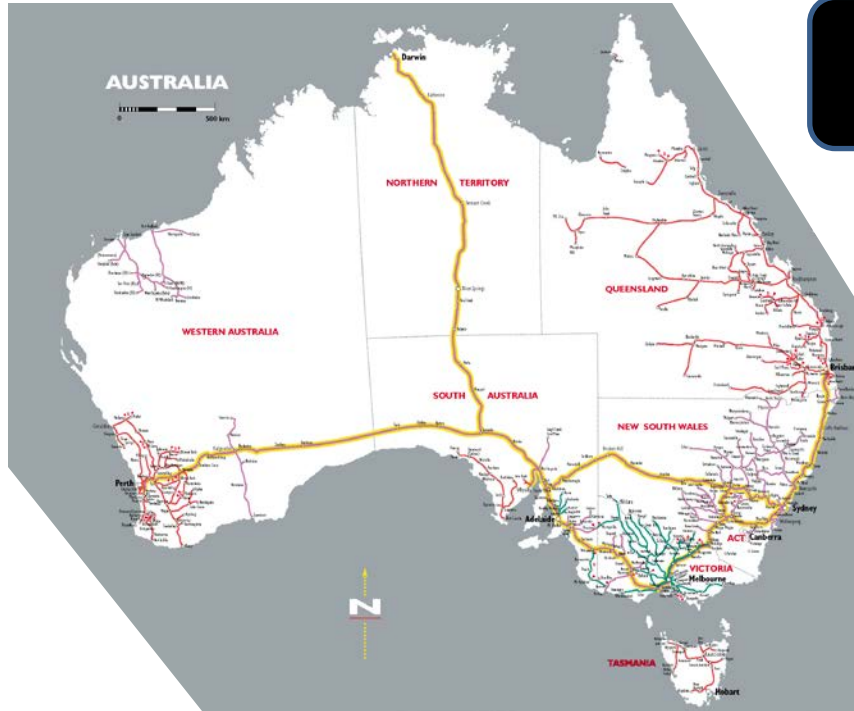
Some Milestones	
First Safety Data bulletin	Q3 2013
On-Line resource centre for education/awareness	Q4 2013
Annual ONRSR Safety Report published	Q4 2013
National Data Strategy endorsed	Q4 2014
Stakeholder satisfaction survey	2015
Industry cost recovery proposals	Q4 2016
Review of D&A and fatigue risk management arrangements	By 2016

Australian railway infrastructure

34,000 km track
Australia-wide

16b passenger
kms/yr

260b tonne-km/yr
of freight carried

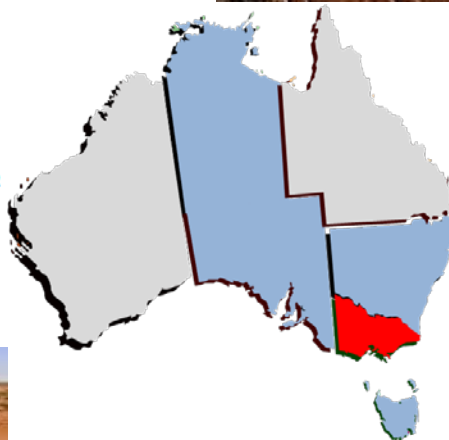
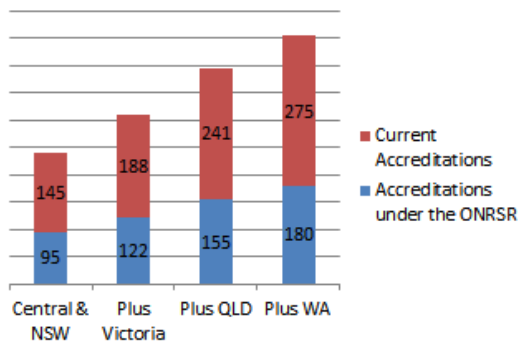


Rail contributes
\$10b to the GDP

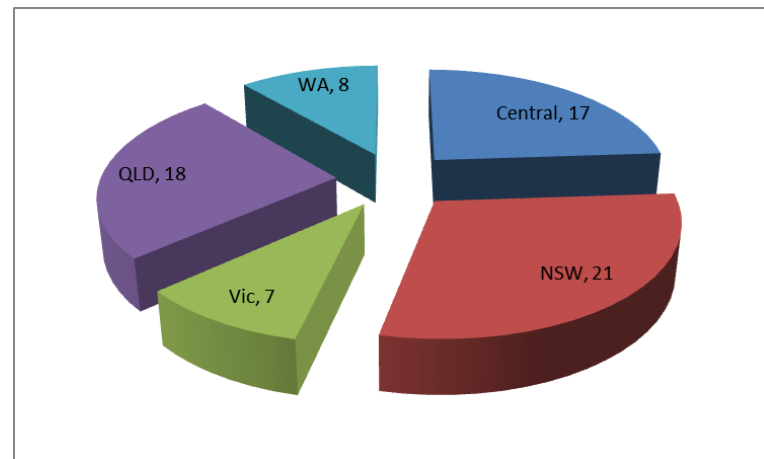
Rail employs 0.4%
of the Australian
workforce

Coverage of ONRSR Operations

Total number of Accreditations



Number of T&H Accreditations



Risk Based Regulation

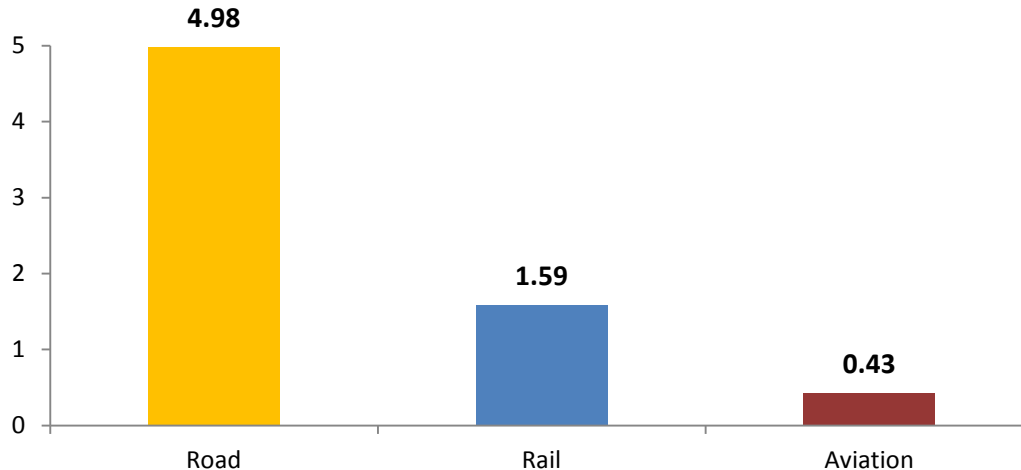
Waterfall, NSW (2003)



7 people killed and 41 injured when an outer suburban passenger train derailed at high speed

Accident Rates - Normalised

Fatality Rate (deaths per billion passenger km travelled) by Transport Mode (Australia, 2009)



Risk Based Regulation

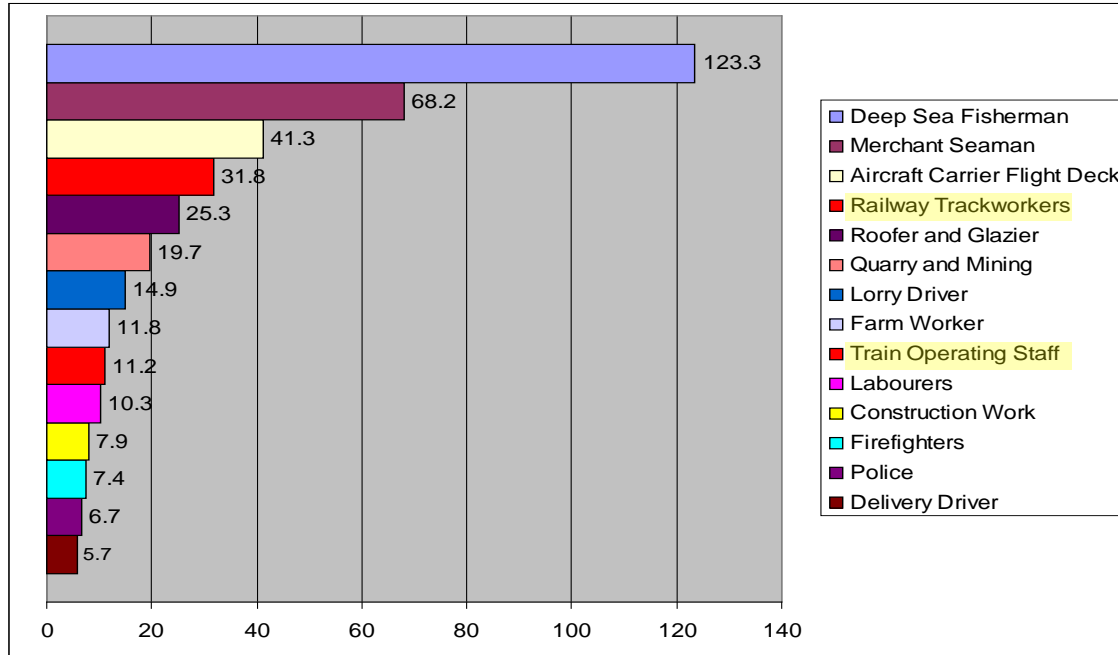
Requires:

- ☐ A knowledge of risk.
- ☐ Agreement on what data to collect on occurrences and precursors.
- ☐ Collection and analysis of data.

ONRSR is charged with this national role and will support industry in taking this forward over a period of time.

UK Data

(per 1,000,000 employee years)



National profile

Group	Prob. of fatality per year	Number of exposed population	Fatalities per year
Infr Workers	1 in 10,847	30,500	2.81
FT Drivers	1 in 18,410	2,516	0.14
PT Drivers	1 in 23,670	12,541	0.53
Other staff	1 in 23,170	15,214	0.66
PT Crew	1 in 42,818	10,746	0.25
Passengers	1 in 268,169	2,798,667	10.44

Next Steps

- ❑ Work with TSV and DTPLI to agree and implement Victorian SLA.
- ❑ Publish Corporate Plan.
- ❑ Continue to support QLD, ACT and WA develop RSNL legislation.
- ❑ Develop approach to national data capture, analysis and reporting.
- ❑ Support Industry & RISBB in standards development.
- ❑ Maintain focus on risk based regulatory compliance.
- ❑ Consistency of regulatory approach.
- ❑ Support operators to become a single industry rather than a collection of individual operators.
- ❑ Support and encourage T&H sector to develop standards and capability.

Questions?

